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8 of the Southern California Plastering Institute

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **Western Division**

12 BOARD OF TRUSTEES OF
13 THE SOUTHERN CALIFORNIA
PLASTERING INSTITUTE,

14 Plaintiff,

15 vs.

16 MCKINNEY DRYWALL, INC.,
17 a California corporation,

18 Defendant.

CASE NO. CV 08-8454-AHM (RCx)

**JUDGMENT PURSUANT TO
STIPULATION**

Hon. A. Howard Matz

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20
21 Plaintiffs, the Boards of Trustees of the Southern California Plastering
22 Institute (“Plaintiff” or “SCPI”)) and McKinney Drywall, Inc., a California
23 corporation (“Defendant”), having agreed to the entry of judgment in this matter
24 and having entered into a Stipulation for Entry of Judgment which has been filed
25 with the Court, and due deliberation being had thereon,

26 IT IS ORDERED, ADJUDGED, AND DECREED, that Plaintiff SCPI shall
27 have judgment against Defendant McKinney Drywall, Inc., a California
28 corporation, in the above-entitled action against in the sum of \$80,383.52, plus

1 interest accruing at the rate of eleven percent per annum from September 29, 2009,
2 until the principal balance is paid as follows:

3 1. Defendant shall pay to Plaintiff the sum of \$20,000.00 on or before
4 close of business on September 1, 2009;

5 2. Defendant shall pay to Plaintiff the sum of \$20,000.00 on or before
6 the close of business on September 28, 2009,

7 3. Defendant shall pay interest in accordance with the Multiemployer
8 Pension Plan Amendment Act ("MPPAA"), 29 U.S.C. §1132(g)(2) at the rate of
9 eleven percent per annum on the sum of \$80,383.52 ("Principal Balance") and
10 upon the declining balance thereof pursuant to the following formula: principal x
11 11 percent divided by 365 x number of days since the last payment. Interest shall
12 be computed from September 29, 2009. No payment of interest shall be credited to
13 reduce the principal obligation.

14 4. Plaintiff hereby stipulates to withhold execution of the Judgment entered
15 against Defendant pursuant to this Stipulation so long as all payments required
16 herein are made timely, and there is compliance with all other terms of this
17 Stipulation.

18 5. Defendant further agrees to post a cash or indemnity bond in the sum of
19 \$90,000.00 in favor of the Southern California Plastering Institute no later than
20 October 1, 2009.

21 6. McKinney agrees to pay all current monthly contributions owed to
22 SCPI during the period in which monies are owed pursuant to this Stipulation.

23 7. Defendant further hereby agrees to submit employer contribution
24 reports to SCPI with a breakdown by job of all hours worked for all employees
25 performing work covered by Defendant's collective bargaining agreement with
26 Plasterers' Local 200, to make monthly contribution payments by cashiers' checks
27 payable to SCPI for contributions owed on the reports, and to timely make
28 contributions to SCPI.

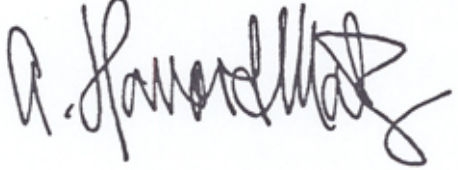
1 8. Time is of the essence in this Stipulation and it is agreed that if
2 Defendant fails to make either the initial payment of \$20,000.00 on or before
3 September 1, 2009 or the second payment of \$20,000.00 on or before
4 September 28, 2009, as provided herein, Defendant shall be deemed in default, and
5 Plaintiff may levy upon the Principal Balance then due, together with
6 accrued interest, and attorneys' fees and costs incurred in enforcing the judgment
7 obligation.

8 9. It is further agreed that in the event of default, McKinney shall
9 pay, in addition to the Principal Balance of the Judgment then due, together
10 with accrued interest calculated at the rate of eleven percent from September 29,
11 2009, all attorneys' fees and costs incurred in enforcing the Judgment obligation.

12 10. Upon payment by Defendant of the sum of \$40,000.00, as
13 provided in paragraphs 1 and 2 above, and so long as McKinney is current in
14 its report and payment of contributions, SCPI will waive the requirement to post
15 the \$90,000.00 bond based upon past delinquencies, and will waive the Principal
16 Balance then due.

17
18 DATED: April 1, 2010

19 **JS-6**


HONORABLE A. HOWARD MATZ
United States District Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am employed in the County of Los Angeles, State of California. I am over the age of 18, and not a party to the within action. My business address and place of employment is 15456 Ventura Boulevard, Suite 500, Sherman Oaks, California 91403.

On the date set forth below, I served the document described as on the interested parties in this action **[PROPOSED] JUDGMENT PURSUANT TO STIPULATION**

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:

☒ by placing ☐ the original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

Ira N. Katz, Esq.
Law Offices of Ira Katz
9401 Wilshire Boulevard, Suite 650
Beverly Hills, California 90212

☒ (BY MAIL) ☒ I deposited such envelopes in the mail at Sherman Oaks, California. The envelope was mailed with postage thereon fully prepaid.

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Sherman Oaks, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

☐ (BY PERSONAL SERVICE), I delivered such envelope(s) by hand to the office(s) of the addressee(s).

☐ (STATE), I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ (FEDERAL), I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 31, 2010 at Sherman Oaks, California.